

## REMARKS

This Amendment responds to the office action mailed on March 29, 2007. Claim 1 is amended, and new claims 15-19 are added. Reconsideration is respectfully requested in light of these amendments and the following remarks.

Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fazio (U.S. 6,590,986). These rejections are respectfully traversed.

First, Figs. 1-3 of the Fazio reference do not disclose “a hearing instrument,” as indicated by the office action. Rather, Figs 1-3 of Fazio and the related portions of the specification disclose a programming interface that may be used to program hearing aids. Significantly, the programming interface shown in Figs 1-3 of Fazio is not part of the hearing aid.

Independent claim 1 recites “a hearing instrument” that includes several components, including a microphone, a sound processor, a receiver and a serial data port. In rejecting claim 1-14, the office action cites to various portions of Figs 1-3 of Fazio, including components of the separate programming interface. For instance, in the rejection of independent claim 1, the office action concludes that the cables 114 and connector 118 show in Fig. 2 of Fazio correspond with the claimed “serial data port for coupling the hearing instrument to an external device...” However, the cables 114 and connector 118 in Fig. 2 of Fazio are not part of the hearing aids 10, 12. Claim 1 requires that the hearing instrument include a “serial data port.” Fazio does not teach or suggest that a serial data port could be incorporated into the hearing instruments. For this reason alone, the rejections of claims 1-14 are flawed and should be withdrawn.

Moreover, even if everything shown in Figs. 1-3 of Fazio could be construed as a “hearing instrument” (which it clearly cannot), the Fazio reference still would not disclose a “serial data port for coupling the hearing instrument to an external device, the serial data port

being operable to transmit bi-directional audio signals between the hearing instrument and the external device,” as recited in claim 1. The Fazio reference describes an interface device 100 that connects to two hearing aids 10, 12 via cables 114, and also connects to a computer 108, 125. (See, Fazio, Fig. 2). As shown in Fig. 3 of Fazio, the interface is used to generate analog signals that are used to program the hearing aids 10, 12. (See, Fazio, col. 5, lines 5-16.) That is, the cables 114 show in Fig. 2 of Fazio are connected to analog inputs to the hearing aids 10, 12, and not to a serial data port. To make this distinction more clear, claim 1 has been amended to specify that the “serial data port” is used to transmit “digital” audio signals. However, as “serial data” must necessarily be digital, this is not a limiting amendment.


Further, there is no suggestion in the Fazio reference that “bi-directional audio signals” may be transferred between a hearing instrument and an external device. The interface described in the Fazio reference is only used to program the hearing aids 10, 12. There is no suggestion in Fazio that data can be transmitted from the hearing aids 10, 12 to any external device. That is, Fazio only discloses a unidirectional transmission of data to the hearing aid, and not the “bi-directional” transmission of data, as claimed. For at least these reasons, the patent owner submits that claims 1-14 are patentably distinct from the cited Fazio reference.

The patent owner further submits that new claims 15-19 are also patentable over the cited Fazio reference. Among other distinctions, the Fazio reference does not teach or suggest “a digital hearing instrument that includes an inner microphone for receiving a second audio signal from inside of the patient’s ear canal,” or “a serial data port for coupling the digital hearing instrument to an external device, the serial data port being configured to transmit the second audio signal to the external device,” as recited in new independent claim 15.

For at least the above-stated reasons, the patent owner respectfully submits that claims 1-19 are in condition for allowance, and allowance is respectfully requested.

Respectfully submitted,

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